United Nations S/2003/522

Security Council

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6 May 2003

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Draft resolution

The Security Council,

Recalling its resolutions 1132 (1997) of 8 October 1997, 1171 (1998) of 5 June 1998, 1306 (2000) of 5 July 2000, 1343 (2001) of 7 March 2001, 1385 (2001) of 19 December 2001, 1395 (2002) of 27 February 2002, 1400 (2002) of 28 March 2002, 1408 (2002) of 6 May 2002, 1458 (2003) of 28 January 2003, 1467 (2003) of 18 March 2003 and its other resolutions and statements of its President on the situation in the region,

Taking note of the Secretary-General's report of 22 April 2003 (S/2003/466),

Taking note of the reports of the United Nations Panel of Experts on Liberia dated 25 October 2002 (S/2002/1115) and 24 April 2003 (S/2003/498) submitted pursuant to paragraph 16 of resolution 1408 (2002) and paragraph 4 of resolution 1458 (2003) respectively,

Expressing serious concern at the findings of the Panel of Experts about the actions of the Government of Liberia and the LURD and other armed rebel groups, including the evidence that the Government of Liberia continues to breach the measures imposed by resolution 1343 (2001), particularly through the acquisition of arms,

Welcoming General Assembly Resolution A/Res/57/302 of 15 April 2003, and Security Council resolution 1459 (2003), welcoming the launch of the Kimberley Process on 1 January 2003, and recalling its concern at the role played by the illicit trade in diamonds in the conflict in the region,

Welcoming the continued efforts of the Economic Community of West African States (ECOWAS) and the International Contact Group on Liberia to work towards the restoration of peace and stability in the region, particularly the appointment of former President Abubakar of Nigeria as a mediator in the conflict in Liberia,

Noting the positive effects of the Rabat Process on peace and security in the subregion, and encouraging all countries of the Mano River Union to reinvigorate the Rabat Process with further meetings and renewed cooperation,

Encouraging civil society initiatives in the region, including those of the Mano River Union Women's Peace Network, to continue their contribution towards regional peace,

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Welcoming the summit meeting between the Presidents of Liberia and Côte d'Ivoire held in Togo on 26 April 2003, and encouraging them to continue dialogue,

Calling on all States, in particular the Government of Liberia, to cooperate fully with the Special Court for Sierra Leone,

Recalling the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa adopted in Abuja on 31 October 1998 (S/1998/1194, annex), and its extension from 5 July 2001 (S/2001/700),

Deeply concerned by the deteriorating humanitarian situation and widespread human rights violations in Liberia, and by the serious instability in Liberia and neighbouring countries, including Côte d'Ivoire,

Determining that the active support provided by the Government of Liberia to armed rebel groups in the region, including to rebels in Côte d'Ivoire and former Revolutionary United Front (RUF) combatants who continue to destabilize the region, constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the Government of Liberia has not complied fully with the demands in resolution 1343 (2001);

2. *Notes with concern* that the new aircraft registry updated by the Government of Liberia in response to the demand in paragraph 2 (e) of resolution 1343 (2001) remains inactive;

3. *Stresses* that the demands referred to in paragraph 1 above are intended to help consolidate and assure peace and stability in Sierra Leone and to build and strengthen peaceful relations among the countries of the region;

4. *Calls upon* all States in the region, particularly the Government of Liberia, to participate actively in all regional peace initiatives, particularly those of ECOWAS, the International Contact Group, the Mano River Union and the Rabat Process, and expresses its strong support for these initiatives;

5. *Calls upon* the Government of Liberia and the LURD to enter without delay into bilateral ceasefire negotiations under the auspices of ECOWAS and the mediation of former President Abubakar of Nigeria;

6. *Stresses* its readiness to grant exemptions from the measures imposed by paragraph 7 (a) of resolution 1343 (2001) in cases of travel which would assist in the peaceful resolution of the conflict in the subregion;

7. *Welcomes* the Government of Liberia's agreement to the revised mandate of the United Nations Office in Liberia and calls on the Government to respond constructively to the Council's statement of 13 December 2002 (S/PRST/2002/36);

8. *Calls upon* the Government of Liberia and all parties, particularly the LURD and other armed rebel groups, to ensure unimpeded and safe movement for the personnel of United Nations humanitarian agencies and non-governmental organizations, to end the use of child soldiers and to prevent sexual violence and torture;

9. *Reiterates* its demand that all States in the region cease military support for armed groups in neighbouring countries, take action to prevent armed individuals and groups from using their territory to prepare and commit attacks on neighbouring countries and refrain from any actions that might contribute to further destabilization of the situation in the region, and declares its readiness to consider, if necessary, ways of promoting compliance with this demand;

10. *Decides* that the measures imposed by paragraphs 5 to 7 of resolution 1343 (2001) shall remain in force for a further period of 12 months from 00:01 Eastern Daylight Time on 7 May 2003, and that, before the end of this period, the Council will decide whether the Government of Liberia has complied with the demands referred to in paragraph 1 above, and, accordingly, whether to extend these measures for a further period with the same conditions;

11. *Recalls* that the measures imposed by paragraph 5 of resolution 1343 (2001) apply to all sales or supply of arms and related materiel to any recipient in Liberia, including all non-State actors, such as Liberians United for Reconciliation and Democracy (LURD);

12. *Decides* that the measures imposed by paragraphs 5 to 7 of resolution 1343 (2001) and by paragraph 17 below shall be terminated immediately if the Council, taking into account, inter alia, the reports of the Panel of Experts referred to in paragraph 25 below and of the Secretary-General referred to in paragraph 20 below, inputs from ECOWAS, any relevant information provided by the Committee established pursuant to paragraph 14 of resolution 1343 (2001) ("the Committee") and the Committee established pursuant to resolution 1132 (1997) and any other relevant information, particularly the conclusions of its forthcoming mission to West Africa, determines that the Government of Liberia has complied with the demands referred to in paragraph 1 above;

13. *Reiterates* its call upon the Government of Liberia to establish an effective Certificate of Origin regime for Liberian rough diamonds that is transparent, internationally verifiable and fully compatible with the Kimberley Process, and to provide the Committee with a detailed description of the proposed regime;

14. *Notwithstanding* paragraph 15 of resolution 1343 (2001), decides that rough diamonds controlled by the Government of Liberia through the Certificate of Origin regime shall be exempt from the measures imposed by paragraph 6 of resolution 1343 (2001) when the Committee has reported to the Council, taking into account expert advice obtained through the Secretary-General, that an effective and internationally verifiable regime is ready to become fully operational and to be properly implemented;

15. *Calls again* upon States, relevant international organizations and other bodies in a position to do so to offer assistance to the Government of Liberia and other diamond exporting countries in West Africa with their Certificate of Origin regimes;

16. *Considers* that the audits commissioned by the Government of Liberia pursuant to paragraph 10 of resolution 1408 (2002) do not demonstrate that the revenue derived by the Government of Liberia from the Liberia Ship and Corporate Registry and the Liberian timber industry is used for legitimate social, humanitarian and development purposes, and is not used in violation of resolution 1408 (2002);

17. *Decides* that

(a) all States shall take the necessary measures to prevent, for a period of 10 months, the import into their territories of all round logs and timber products originating in Liberia;

(b) these measures shall come into force at 00:01 Eastern Daylight Time on 7 July 2003, unless the Council decides otherwise;

(c) at the end of this period of 10 months, the Council will decide whether the Government of Liberia has complied with the demands referred to in paragraph 1 above, and, accordingly, whether to extend these measures for a further period with the same conditions;

18. *Decides* to consider by 7 September 2003 how best to minimize any humanitarian or socio-economic impact of the measures imposed by paragraph 17 above, including the possibility of allowing timber exports to resume in order to fund humanitarian programmes, taking into account the recommendations of the expert panel requested in paragraph 25 below and the assessment of the Secretary-General requested in paragraph 19 below;

19. *Requests* the Secretary-General to submit a report to the Council by 7 August 2003 on the possible humanitarian or socio-economic impact of the measures imposed by paragraph 17 above;

20. *Requests* the Secretary-General to submit a report to the Council by 21 October 2003 and thereafter at six-monthly intervals from that date, drawing on information from all relevant sources, including the United Nations Office in Liberia, the United Nations Mission in Sierra Leone (UNAMSIL) and ECOWAS, on whether Liberia has complied with the demands referred to in paragraph 1 above, and calls on the Government of Liberia to support United Nations efforts to verify all information on compliance which is brought to the United Nations notice;

21. *Invites* ECOWAS to report regularly to the Committee on all activities undertaken by its members pursuant to paragraphs 10 and 17 above and in the implementation of this resolution, particularly on the implementation of the ECOWAS Moratorium on small arms and light weapons referred to in the preamble of this resolution;

22. *Calls* on States of the subregion to strengthen the measures they have taken to combat the spread of small arms and light weapons and mercenary activities and to improve the effectiveness of the ECOWAS Moratorium, and urges States in a position to do so to provide assistance to ECOWAS to this end;

23. *Calls* on all parties to conflicts in the region to include disarmament, demobilization and reintegration provisions in peace agreements;

24. *Requests* the Committee to carry out the tasks set out in this resolution and to continue with its mandate as set out in paragraph 14 (a)-(h) of resolution 1343 (2001) and in resolution 1408 (2002);

25. *Requests* the Secretary-General to establish, within one month from the date of adoption of this resolution, in consultation with the Committee, for a period of five months, a Panel of Experts consisting of up to six members, with the range of expertise necessary to fulfil the Panel's mandate described in this paragraph, drawing as much as possible and as appropriate on the expertise of the members of

the Panel of Experts established pursuant to resolution 1458 (2003), to undertake the following tasks:

(a) to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the Government of Liberia's compliance with the demands referred to in paragraph 1 above, and on any violations of the measures referred to in paragraphs 10 and 17 above, including any involving rebel movements;

(b) to investigate whether any revenues of the Government of Liberia are used in violation of this resolution, with particular emphasis on the effect on the Liberian populace of any possible diversion of funds from civilian purposes;

(c) to assess the possible humanitarian and socio-economic impact of the measures imposed by paragraph 17 above and to make recommendations to the Council through the Committee by 7 August 2003 on how to minimize any such impact;

(d) to report to the Council through the Committee no later than 7 October 2003 with observations and recommendations, particularly on how to improve the effectiveness of implementing and monitoring the measures referred to in paragraph 5 of resolution 1343 (2001), including any recommendations pertinent to paragraphs 28 and 29 below,

and further requests the Secretary-General to provide the necessary resources;

26. *Requests* the Panel of Experts referred to in paragraph 25 above, as far as possible, to bring any relevant information collected in the course of its investigations conducted in accordance with its mandate to the attention of the States concerned for prompt and thorough investigation and, where appropriate, corrective action, and to allow them the right of reply;

27. *Calls upon* all States to take appropriate measures to ensure that individuals and companies in their jurisdiction, in particular those referred to in the reports of the Panel of Experts established pursuant to resolutions 1343 (2001), 1395 (2002), 1408 (2002) and 1458 (2003), act in conformity with United Nations embargoes, in particular those established by resolutions 1171 (1998), 1306 (2000) and 1343 (2001), and, as appropriate, to take the necessary judicial and administrative action to end any illegal activities by those individuals and companies;

28. *Decides* that all States shall take the necessary measures to prevent entry into or transit through their territories of any individuals, including from the LURD or other armed rebel groups, determined by the Committee, taking account of information provided by the Panel of Experts and other relevant sources, to be in violation of paragraph 5 of resolution 1343 (2001), provided that nothing in this paragraph shall oblige a State to refuse entry into its territory by its own nationals;

29. *Requests* the Committee to establish, maintain and update, taking account of information provided by the Panel of Experts and other relevant sources, a list of air and maritime companies whose aircraft and vessels have been used in violation of paragraph 5 of resolution 1343 (2001);

30. *Calls* on all member States of ECOWAS to cooperate fully with the Panel of Experts in the identification of such aircraft and vessels, and in particular to

inform the Panel about any transit on their territory of aircraft and vessels suspected of being used in violation of paragraph 5 of resolution 1343 (2001);

31. *Asks* the Government of Liberia to authorize the Approach and Control Unit at Robertsfield International Airport to provide regularly to the Flight Information Region in Conakry statistical data related to aircraft listed pursuant to paragraph 29 above;

32. *Decides* to conduct reviews of the measures referred to in paragraphs 10 and 17 above before 7 November 2003, and every six months thereafter;

33. *Urges* all States, relevant United Nations bodies and, as appropriate, other organizations and all interested parties to cooperate fully with the Committee and Panel of Experts referred to in paragraph 25 above, including by supplying information on possible violations of the measures referred to in paragraphs 10 and 17 above;

34. *Decides* to remain actively seized of the matter.

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General Assembly
Fifty-seventh session
Agenda items 37, 49 and 160

Security Council
Fifty-eighth year

The situation in Afghanistan and its implications for international peace and security

Consequences of the Iraqi occupation of and aggression against Kuwait

Measures to eliminate international terrorism

Letter dated 1 May 2003 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General

In my capacity as the representative of the country which currently chairs the Collective Security Treaty Organization, I have the honour to transmit to you the statement of the Heads of State of the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan of 28 April 2003 (see annex).

I would be grateful if the text of the present letter and its annex could be distributed as a document of the General Assembly, under agenda items 37, 49 and 160, and of the Security Council.

(*Signed*) Rashid **Alimov**
Ambassdor
Permanent Representative of the Republic of Tajikistan
to the United Nations

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Annex to the letter dated 1 May 2003 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Statement of the Heads of State of the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan

We, the heads of the States parties to the Collective Security Treaty, confirm our commitment to the tasks of guaranteeing collectively the security of our States.

In conformity with the aims and principles enshrined in the Collective Security Treaty and the Charter of the Collective Security Treaty Organization (CSTO), we shall continue to take action to strengthen the defence component of the Treaty Organization, primarily by developing overall and regional collective-security systems and by intensifying military and political cooperation within the CSTO.

Our States attach particular importance to developing and strengthening collaboration, with the aim of countering collectively new threats and challenges, especially international terrorism. The States parties to the Collective Security Treaty were among the first to have direct experience of the threat of terrorism and to alert the international community to the need to resist that evil collectively.

In establishing the Collective Security Treaty Organization, we intend to contribute substantially to strengthening the anti-terrorism coalition and regional and international security, on the basis of the universally accepted norms and principles of international law, under the leadership and coordination of the United Nations.

On the basis of these positions, we believe there is a need to coordinate and harmonize closely action by the international community to find a final solution to the Afghan crisis and to bring about post-conflict development in Afghanistan. We also support solving the Iraq problem under the auspices of the United Nations and express our readiness to take an active part in implementing a programme of humanitarian aid and reconstruction for the country.

Our strategic choice is in favour of a just and democratic world order which guarantees security and stability for the development of all States. Focusing on achieving this objective, we are expanding all the activities of the Collective Security Treaty Organization, fully exploiting its potential for coordinated action in foreign policy, security and defence.

Dushanbe, 28 April 2003

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Note by the President of the Security Council

The attached letter dated 2 May 2003 from the Permanent Observer of the Holy See to the United Nations was addressed to the President of the Security Council (see annex). In accordance with the request contained in the letter, the President is circulating the present note and its annex as a document of the Security Council.

03-34644 (E) 050503

Annex

Letter dated 2 May 2003 from the Permanent Observer of the Holy See to the United Nations addressed to the President of the Security Council

Upon instructions from the Secretariat of State of the Holy See, I have the honour to bring to your attention the attached Statement of Patriarchs and Bishops of Iraq, issued on 29 April 2003 (see enclosure).

The Statement specifically asks that the future Constitution of Iraq recognize fundamental human rights, particularly religious freedom.

I should be grateful if you would have the present letter and its enclosure circulated as a document of the Security Council.

(*Signed*) Archbishop Celestino **Migliore**
Apostolic Nuncio, Permanent Observer
of the Holy See to the United Nations

Enclosure

[Original: English and French]

Statement of Patriarchs and Bishops of Iraq

Baghdad, 29 April 2003

At this moment, when Iraq is turning a page and is beginning a new chapter in its millenary life, we, the Patriarchs and Bishops of the Christian churches in Iraq, driven also by pressure from our faithful, wish to express our aspirations relative to the future of this country, in the hope that the Iraqi people, which has had a long history marked by defeats and successes, will be able, without religious or ethnic distinction, to live in freedom, justice and respect for interreligious and multi-ethnic coexistence.

When Hammurabi sculpted his Code on the stone of this land, law became the basis of the development of civilization.

When Abraham looked at the heavens above Ur, they opened up to him and, by this revelation, Abraham became the Father of a multitude of peoples.

When Christianity and Islam met, their respective "holy ones" initiated the two religions into a respectful and reciprocal coexistence.

In addition, by virtue of our original right of belonging to the most ancient peoples of this land, we claim for ourselves and for all those who live in it today, whether majority or minority, united by a long history of coexistence, the full right to live in a State of law, in peace, freedom, justice and equality, according to the Human Rights Charter. Consequently, we — Chaldeans, Assyrians, Syrians, Armenians, Greeks and Latins — forming together one Christian community, ask that the new Iraqi Constitution:

Recognize our religious, cultural, social and political rights;

Envision a legal statute in which each person will be considered according to his or her capacities, without discrimination, so that each may have the right to actively participate in the government and the service of this country;

Consider Christians as Iraqi citizens with full rights;

Guarantee the right to profess our faith according to our ancient traditions and our religious law, the right to educate our children according to Christian principles, the right to freely assemble and to build our places of worship and our cultural and social centres according to our needs.

And, lastly, we make this appeal before everyone — the Iraqi people, rich in ethnicities and religions, the political and religious authorities, as well as everyone who has the good of the country at heart, and the leaders of the international community.

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Letter dated 5 May 2003 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that the members of the Security Council have decided to send a mission to the West African subregion from 15 to 23 May 2003. The members have agreed on the terms of reference of the mission, a copy of which is enclosed herewith (see annex).

I should be grateful if you could have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Munir **Akram**
President of the Security Council

03-34725 (E) 060503

Annex

Security Council mission to West Africa: objectives

Regional

- Demonstrate continuing Security Council interest in the subregion
- Encourage more cooperation among countries of the subregion (e.g., the Mano River Union and ECOWAS); assess follow-up to the Rabat Summit; and identify any obstacles to improved cooperation
- Review the activities of the Office of the Special Representative of the Secretary-General for West Africa
- Examine the links between the conflicts in Liberia, Côte d'Ivoire and Sierra Leone and their impact on neighbouring countries (including mercenaries, arms trafficking and refugees)
- Assess progress towards Council objectives on the protection of civilians and children affected by armed conflict
- Emphasize the need for all countries to respect their obligations with regard to human rights and international humanitarian law

Sierra Leone

- Assess the success of UNAMSIL in building security in Sierra Leone and its impact on the protection of civilians
- Assess progress in the UNAMSIL drawdown and the ability of the Sierra Leone police and armed forces to provide security as it withdraws
- Assess the transition from peacekeeping to longer-term development
- Examine how the Special Court and the Truth and Reconciliation Commission are addressing justice and reconciliation

Liberia

- Urge the Government of Liberia, LURD and any other armed rebel groups to engage in ceasefire negotiations and to implement Security Council resolutions
- Call on the Government of Liberia to enhance its cooperation with neighbouring countries
- Assess how the Government has responded to the Council's proposals for resolving the crisis, including an assessment of the chances of free and fair elections
- Assess the impact and effectiveness of UNOL, how it works with the operational parts of the United Nations country team, and the Government of Liberia's expectations of its new mandate

Côte d'Ivoire

- Urge all parties to respect fully all the provisions of the ceasefire

- Urge the Government and all the parties to implement fully the Linas-Marcoussis Agreement
- Discuss with the Special Representative of the Secretary-General, Albert Tevoedjre, progress with the United Nations mission in Côte d'Ivoire
- Emphasize the need for respect for human rights by all parties
- Consider how to tackle the problem of insecurity in western Côte d'Ivoire

Guinea-Bissau

- Urge the Government and President Kumba Yalá to ensure that the forthcoming elections are conducted in a transparent, fair and credible manner, and to take the necessary confidence-building steps required of them
- Urge the Government to endorse the partnership approach defined by the ad hoc advisory group of the Economic and Social Council